

Our File No. TAR-228-CM

FISHMAN MCINTYRE BERKELEY LEVINE SAMANSKY, P.C.

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Attorneys for Defendants, Target Corporation i/p/a Target Corp. and Target Hackensack T-1330

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAYNA ROSER

Plaintiff,

-vs-

CIVIL ACTION NO.

TARGET CORP, TARGET HACKENSACK:

T-1330, STARBUCKS, STARBUCKS

CORPORATION, URBAN EDGE

PROPERTIES, JOHN DOE 1-10 and XYZ

CORP. 1-10 (fictitious names for persons

and/or entities as yet unidentified)

Defendant

PETITION FOR REMOVAL

Petitioner, Target Corporation i/p/a Target Corp. and Target Hackensack T-1330, by its attorneys, Fishman McIntyre Berkeley Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Target Corporation i/p/a Target Corp. and Target Hackensack T-1330 first received a copy of the Complaint on or about August 12, 2020 through their registered agent.

2. This case was commenced on July 31, 2020 in the Superior Court of New Jersey, Law Division, Bergen County Suit is identified in the Superior Court as Roser, Shayna v. Target Corp., Target Hackensack T-1330, Docket No. L-4479-20. (See Exhibit A)

3. The filing of this Petition for Removal is timely because it is filed within thirty days

of the date Target Corporation i/p/a Target Corp. and Target Hackensack T-1330 first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County, asserts damages of a non-specified amount. Plaintiff, Shayna Roser, alleges she slipped and fell sustaining injuries, has been disabled, and has incurred expenses. As such, Target Corporation, believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Target Corporation i/p/a Target Corp. and Target Hackensack T-1330 is informed and believes that Plaintiff, Shayna Roser, is an individual citizen of the State of New Jersey. Defendant/petitioner, Target Corporation i/p/a Target Corp. and Target Hackensack T-1330, is incorporated in the State of Minnesota and its principal place of business is in the State of Minnesota. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Target Corporation i/p/a Target Corp. and Target Hackensack T-1330, defendants in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Bergen County, Docket No. L-4479-20, prays that this action be removed therefrom to this Court.

DATED: September 9, 2020

Target Corporation i/p/a Target Corp. and Target
Hackensack T-1330

BY: 

Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY: 

Christopher E. McIntyre, Esq.

EXHIBIT A

LAW OFFICES OF JEFFREY S. HASSON
By: Robert Florke, Esq.
Attorney ID# 002482001
320 Cedar Lane
Teaneck, New Jersey 07666
(201) 928-0300
Attorney for Plaintiff

SHAYNA ROSER,

Plaintiff,

v.

TARGET CORP., TARGET
HACKENSACK T-1330,
STARBUCKS, STARBUCKS
CORPORATION, URBAN EDGE
PROPERTIES, JOHN DOE 1-10 and
XYZ CORP. 1-10 (fictitious names for
persons and/or entities as yet
unidentified),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-

CIVIL ACTION

COMPLAINT & JURY DEMAND

Plaintiff, SHAYNA ROSER residing at 252 Edgemont Terrace, Teaneck, County of Bergen, State of New Jersey, by way of Complaint against the Defendants, TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES, John Doe 1-10, and XYZ Corp. 1-10 (fictitious names for persons and/or entities as yet unidentified), says that:

FIRST COUNT

1. On or about September 5, 2018, the Plaintiff, SHAYNA ROSER, was lawfully on the premises located at 630 Main Street, Hackensack, County of Bergen, State of New Jersey, that is owned, managed and/or maintained by the Defendants, TARGET CORP.,

TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES.

2. At the aforesaid time and place, the Defendants, TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES, were negligent in that they:

- A. did not keep the premises in a safe condition;
- B. did not exercise proper care;
- C. caused a dangerous and hazardous condition to exist;
- D. allowed a nuisance to exist;
- E. failed to provide proper safeguards and/or warnings on the property;
- F. failed to provide proper, safe, and clear access for persons allowed lawfully on the property;
- G. and was otherwise negligent in the premises.

3. As a direct and proximate result of the aforesaid negligence of the Defendant, the Plaintiff slipped and fell, sustaining injuries, has been disabled, has incurred expenses for treatment of said injuries, suffered and will suffer in the future, great pain and torment, both mental and physical, will, in the future, be compelled to expend large and diverse sums of money for hospitalization, medical treatment and related medical care and was and will, in the future, be prevented from attending her duties for a long period of time.

WHEREFORE, Plaintiff, SHAYNA ROSER, demands judgment against Defendants, TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES, John Doe 1-10 and XYZ Corp. 1-10 (fictitious names for persons and/or entities as yet unidentified), jointly,

severally, or in the alternative, for damages together with attorneys' fees, interest, and cost of suit.

SECOND COUNT

1. Plaintiff repeats each and every allegation of the First Count herein and makes the same a part hereof.

2. The negligence attributed to Defendants, TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES, are, in fact, attributable to the Defendants John Doe 1-10 and XYZ Corp. 1-10 (fictitious names for persons and/or entities as yet unidentified) jointly, severally, or in the alternative, against whom damages must lie.

WHEREFORE, Plaintiff, SHAYNA ROSER, demands judgment against Defendants, TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES John Doe 1-10 and XYZ Corp. 1-10 (fictitious names for persons and/or entities as yet unidentified), jointly, severally, or in the alternative, for damages together with attorneys' fees, interest, and cost of suit.

JURY DEMAND

Plaintiff demands trial by jury as to all issues.

DATED: July 31, 2020



ROBERT FLORKE, ESQ.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

The undersigned attorney for Plaintiff hereby demands that proof of all insurance which may extend coverage to Defendants for the subject incident and the limits of said coverage be furnished to Plaintiff within five (5) days of the date hereof.

DATED: July 31, 2020



ROBERT FLORKE, ESQ.

DEMAND TO ANSWER FORM C INTERROGATORIES

Pursuant to Rule 4:17-1(b)(ii), the plaintiff hereby demands that, in lieu of service of interrogatories, each defendant represented by your office provide answers to the Uniform Interrogatories set forth in Form C and C (2) of Appendix II of the Court Rules. Pursuant to Rule 4:17-4(b), each defendant shall serve answers upon the plaintiff within 60 days from the date that this Demand was served.

DATED: July 31, 2020



ROBERT FLORKE, ESQ.

CERTIFICATION

Pursuant to R.4:5-1, the Plaintiff hereby certify that the within matter of controversy is not the subject of any action pending in any other jurisdiction, nor is it the subject of any arbitration matter pending in any other jurisdiction.


DATED: July 31, 2020


ROBERT FLORKE, ESQ.

DESIGNATION OF TRIAL COUNSEL

The undersigned attorney for Plaintiffs hereby designates Robert Florke, Esq., as trial counsel herein.

DATED: July 31, 2020


ROBERT FLORKE, ESQ.

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-004479-20

Case Caption: ROSER SHAYNA VS TARGET CORP.

Case Initiation Date: 07/31/2020

Attorney Name: ROBERT S FLORKE

Firm Name: JEFFREY S. HASSON, PC

Address: 320 CEDAR LANE

TEANECK NJ 076660000

Phone: 2019280300

Name of Party: PLAINTIFF : Roser, Shayna

Name of Defendant's Primary Insurance Company
(if known): Sedgwick

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: Shayna Roser? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

07/31/2020

Dated

/s/ ROBERT S FLORKE

Signed

ROBERT FLORKE, ESQ. ATTORNEY ID NO. 002482001
 LAW OFFICES OF JEFFREY S. HASSON
 320 CEDAR LANE
 TEANECK, NEW JERSEY 07666
 (201) 928-0300
 ATTORNEY(S) FOR PLAINTIFF

<p>SHAYNA ROSER,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TARGET CORP., TARGET HACKENSACK T-1330, STARBUCKS, STARBUCKS CORPORATION, URBAN EDGE PROPERTIES, JOHN DOE 1-10 and XYZ CORP. 1-10 (fictitious names for persons and/or entities as yet unidentified),</p> <p style="text-align: right;">Defendant(s).</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-4479-20</p> <p><u>CIVIL ACTION</u></p> <p>SUMMONS</p>
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From The State of New Jersey To The Defendant(s) Named Above: TARGET CORP.

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and proof of service with the deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the Complaint is one in foreclosure, then you must file your written Answer or Motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to Plaintiff's attorney whose name and address appear above, or to Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee of \$175.00 and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the Court may enter a judgment against you for the relief Plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith

Michelle M. Smith, Clerk of Superior Court

DATED: August 11, 2020

Name of Defendant to Be Served:
 Address of Defendant to Be Served:

TARGET CORP.
 1000 Nicollet Mall, Minneapolis, MN,
 55403